

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

B.I.C.,

Petitioner,

v.

NATHALIE R. ASHER, et al.,

Respondents.

NO. C16-132-MJP-JPD

ORDER DENYING PETITIONER'S
MOTION FOR TEMPORARY
RESTRAINING ORDER

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

1. The Court ADOPTS the Report and Recommendation.

2. With respect to petitioner's motion for temporary restraining order, petitioner has shown a strong likelihood of success on the merits of his claims that the Office of Refugee Resettlement's ("ORR") age determination violates the William Wilberforce Trafficking Victims Protection Act ("TVPRA"), 8 U.S.C. § 1232(b)(4); that ORR's policies for relying on radiographic analysis for age determinations violates the TVPRA; and that his placement in Department of Homeland Security custody is unlawful. Likewise, the public interest and balance

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1 of equities tip in his favor. Nevertheless, he has not shown that the grant of a temporary
2 restraining order would alleviate a likelihood of irreparable harm.

3 3. Because petitioner has not made a showing of all four essential elements of a
4 temporary restraining order, his motion for temporary restraining order, Dkt. 3, is DENIED.

5 4. The Clerk shall send a copy of this Order to the parties and to Judge Donohue.

6 DATED this 11th day of March, 2016.

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9 Marsha J. Pechman
10 United States District Judge
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